

REMARKS

In response to the Final Office Action, Claims 18, 35 and 44 were previously cancelled. Claims 1, 7, 8, 19, 25, 26, 36, 42 and 43 are amended. Claims 1-17, 19-34, 36-43 and 45 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Information Disclosure Statement

The Examiner indicates that Applicant has not submitted an IDS, as of the mailing date of the Final Office Action, to provide the Ph.D. thesis written by inventor Markus Sapp entitled *Untersuchungen zur Synthese natürlich erscheinender Klänge*. Applicant filed an IDS on September 6, 2007 to include a copy of the thesis with the Abstract translated into English. Per the PAIRS system, the IDS was received by the PTO on September 10, 2007. Please contact the undersigned if the copy of the thesis has not been received by the Examiner.

II. Claims Rejected Under 35 U.S.C. §101

Claims 1-17, 19-34, 36-43 and 45 stand rejected under 35 U.S.C. §101 as being directed to nonstatutory subject matter. Applicant amends independent Claims 1, 19 and 36 to remove “simulating a string” from the preamble and to add “a musical instrument” in the body of these claims. The amendments are made to more clearly point out that the string of a musical instrument is simulated to cause the generation of a sound, or equations that model the string of a musical instrument are evaluated to generate a sound. The generation of a sound is a useful, tangible and concrete result. Accordingly, withdrawal of the §101 rejection is respectfully rejected.

III. Double Patenting Rejection

Claims 1-17, 19-34, 36-43 and 45 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of Applicant’s co-pending U.S. Patent Application No. 10/949,464.

Applicant submits that the above amendments to independent Claims 1, 19 and 36 obviate the Examiner’s rejection. The conflicting co-pending application and the current application include distinct features, e.g., the first equation that models a movable end of a string

of a musical instrument. Thus, withdrawal of the double patenting rejection is respectfully requested.

However, Applicant reserves the opportunity to file any appropriate response (e.g., a terminal disclaimer) in the event that the pending claims are otherwise allowable.

IV. Claims Rejected Under 35 U.S.C. §102(b)/103

Claims 1-17, 19-34, 36-43 and 45 stand rejected under 35 U.S.C. §102(b)/103 as being clearly anticipated by inventor Sapp (“Sapp”) or, in the alternative under 35 U.S.C. §103(a) as obvious over Sapp in view of Chin et al., *A numerical model of a towed cable-body system*, Anziam J. 42 (E) pp. C362-C384, 2000 (“Chin”).

Claim 1, as amended, recites the elements of “forming a first equation to model a movable end of a string of a musical instrument, the first equation relating an excursion in time of the movable end to a force acting on the string.” Applicant submits that the cited references do not teach or suggest these elements.

The Examiner indicates in the Final Office Action on page 8 that the equations in the claims are identical to those disclosed in the background of Applicant’s specification. The background includes two equations. Equation 1 describes a string with the assumption that the string is rigidly supported at each end (page 2, lines 3-4). Equation 2 is an approximation of equation 1. There is no indication in the background that a first equation is formed to model a movable end of a string. An embodiment of the first equation is provided at pages 10-11 of the specification. The recited first equation is different from those equations described in the background and is, therefore, not a boundary condition of those equations in the background.

Chin does not supply the missing elements. Chin discloses numerical modeling of a body towed by an airplane with a cable. However, Chin does not disclose the use of a first equation, which is different from the wave equation, to model a movable end of a string. Moreover, Chin is not analogous art. The model for the towed cable and body is not related to a string of a musical instrument, and operates in an environment totally different from the string of a musical instrument. Thus, Claim 1 and its dependent claims are neither anticipated by Sapp nor obvious over Sapp in view of Chin.

Analogous discussions apply to independent Claims 19 and 36, which are amended to include similar limitations. Their dependent claims are patentable by virtue of dependency.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1-17, 19-34, 36-43 and 45 under 35 U.S.C. §102(b)/103.

V. Claims Rejected Under 35 U.S.C. §103

Claims 1-17, 19-34, 36-43 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chin in view of Applicant's Own Admission ("AOA").

For at least the reasons mentioned above, Chin and AOA, individually or in combination, does not teach or suggest each of the elements of independent Claims 1, 19, 36, and their respectively dependent claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claims 1-17, 19-34, 36-43 and 45 under 35 U.S.C. §103(a).

CONCLUSION

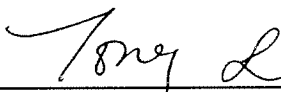
In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

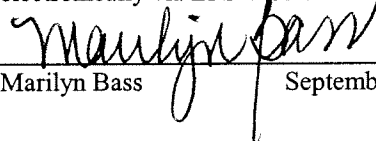
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Marilyn Bass September 18, 2007